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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,958	12/01/2003	William J. Bufkin		3614

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/724,958	Applicant(s) BUFKIN, WILLIAM J.	
	Examiner Joseph F Edell	Art Unit 3636	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. In order to avoid abandonment, the drawing informalities noted in the paper mailed on 10 November 2004, must now be corrected. Applicant refers to corrected drawings in the Remark filed 10 January 2005. However, no drawings were received. Correction can only be effected in the manner set forth in the above noted paper.

Claim Objections

2. Claims 5 and 17-19 are objected to because of the following informalities:
 - a. claim 5, line 2, "inclinedwith" should read --inclined with--;
 - b. claim 17, line 1, "and table as recited in claim 1, wherein said mouse table" should read --and mouse table are recited in claim 1, wherein said table--;
 - c. claim 18, line 1, "and table as recited in claim 2, wherein said mouse table" should read --and mouse table are recited in claim 2, wherein said table--;
 - d. claim 19, line 1, "and table as recited in claim 3, wherein said mouse table" should read --and mouse table are recited in claim 3, wherein said table--.

Appropriate correction is required. Corrections to claims 17-19 provide consistency for the preambles.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

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A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1, 2, 4, 6, 7, 9, and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,135,190 to Wilson.

Wilson discloses an integrated arm support and mouse table that includes all the limitations recited in claims 1, 2, 4, 6, 7, 9, and 20. Wilson shows an integrated arm support and mouse table having a mounting unit 86 (Fig. 4) with an attachment means 88,90 (Fig. 4) for attaching the mounting unit to an arm rest (Fig. 4) of a chair, a horizontal pivot joint 82 (Fig. 4) of the mounting unit, a pivot bracket 48 (Fig. 4) pivotally attached to the mounting unit by the horizontal pivot joint and including an angled pivot joint 68 (Fig. 4), an arm support 10 (Fig. 1) pivotally attached to the pivot bracket by the angled pivot joint, an arm rest cover 40 (Fig. 4) of the arm support that is configured to fit over the arm rest of the chair, a table 116 (Fig. 11) of the arm support that is attached to the arm rest cover and positioned distal from a back of the chair, and an upper surface (Fig. 4) of the pivot bracket that is proximate the angled pivot joint wherein the arm rest cover opens into a forearm channel 28 (Fig. 11) shaped to receive a forearm of a user, the arm support lies in a horizontal orientation, the table is separated by the arm rest cover by a vertical offset (Fig. 11) and inclined with respect to the arm rest cover, and the angled pivot joint is capable of being angularly offset from the arm rest of the chair when the upper surface of the pivot bracket is in a horizontal orientation.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 5, and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of U.S. Patent No. 6,074,012 to Wu.

Wilson discloses an integrated arm support and mouse table that is basically the same as that recited in claims 3, 5, and 8 except that the vertical offset lacks a wrist channel, as recited in the claims. Wu shows an arm support similar to that of Wilson wherein the arm support has an arm rest cover 1 (Fig. 2), a table 12 (Fig. 2) separated from the arm rest cover by a vertical offset, and a wrist channel 4 (Fig. 2) opening from the vertical offset and joined to the arm rest cover. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the integrated arm support and mouse table of Wilson such that the vertical offset opens into a wrist channel that is joined to the forearm channel, such as the arm support disclosed in Wu. One would have been motivated to make such a modification in view of the suggestion in Wu that the vertically offset wrist channel provides an arm rest padding that is rotatable with respect to the arm rest of a chair.

7. Claims 10 and 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Wu as applied to claims 3, 5, and 8 above, and further in view of U.S. Patent No. 6,827,405 B1 to Roberts.

Wilson, as modified, disclose an integrated arm support and table that is basically the same as that recited in claims 10 and 12-16 except that the mounting unit lacks a side wall and at least one strap and lock, as recited in the claims. See Figure 4 of Wilson for the teaching that the mounting unit has a top wall positioned to be placed over the arm rest. Roberts shows an arm support similar to that of Wilson wherein the arm support has a mounting unit (Fig. 5) with a top wall 17 (Fig. 5), a side wall 18 (Fig. 5) connected to the top wall, at least one strap 20 (Fig. 5) having a first end (Fig. 5) affixed to the mounting unit and a free second end (Fig. 5) that passes tightly around an arm rest 12 (Fig. 4) of a chair, and at least one lock 22 (Fig. 5) attached to the mounting unit to lock the second end. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the integrated arm support and mouse table of Wilson such that the mounting unit has at least one strap including a first end affixed to the mounting unit and a free second end that passes tightly around the arm rest as well as at least one lock attached to the mounting unit to lock the second end, such as the arm support disclosed in Roberts. One would have been motivated to make such a modification in view of the suggestion in Roberts that the mounting unit, strap, and lock configuration provides an arm support that is easily and selectively attached to an arm of an existing chair. With respect to the term "lock" recited in the claims, Applicant appears to be defining a lock as a fastener between two object as opposed to the conventional definition of lock as being a fastening operated by a key or combination (see *Merriam-Webster's Collegiate Dictionary Tenth Edition*).

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8. Claims 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson in view of Wu as applied to claims 3, 5, and 8 above, and further in view of U.S. Patent No. 5,490,710 to Dearing et al.

Wilson, as modified, discloses an integrated arm support and mouse table that is basically the same as that recited in claims 17-19 except that the table lacks a recess, as recited in the claims. See Figure 11 of Wilson for the teaching that the table has an upward facing surface. Dearing et al. show an integrated arm support and mouse table similar to that of Wilson wherein the table includes an upward facing surface and a recess cut into the upward facing surface. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the integrated arm support and mouse table of Wilson such that the upward facing surface of the table includes a cut recess, such as the integrated arm support and mouse table disclosed in Dearing et al. One would have been motivated to make such a modification in view of the suggestion in Dearing et al. that the recess cut into the upward facing surface of the table provides a surface for a ball of a wireless mouse to roll upon.

Allowable Subject Matter

9. Claim 11 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

10. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

11. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to integrated arm supports and mouse tables:

U.S. Pat. No. 5,383,632 to Shirlin et al. U.S. Pat. No. 5,718,671 to Bzoch

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U.S. Pat. No. 5,752,683 to Novis et al. U.S. Pat. No. 6,375,257 B1 to Wooding et al.

U.S. Pat. No. 6,592,085 B2 to Iwata et al.

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216 until 07 April 2005 and will be (571) 272-6858 thereafter. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


JE
March 31, 2005


PETER R. BROWN
PRIMARY EXAMINER